



JUL 13 1990

FREEDOM OF
INFORMATION

Quality Blended Fuel Oils

July 13, 1990

HAND DELIVERED

Freedom of Information Act Officer
U.S. EPA
230 So. Dearborn
Chicago, IL 60604

Dear Sir:

This is a request under the Freedom of Information Act as amended (Title 5, U.S. Code, Section 552).

I wish to obtain copies of all documents in your files pertaining to the Complaint dated June 14, 1990 (copy attached hereto).

This request includes any and all correspondence between representatives of U.S. EPA and Custom Blended Oils, Inc., and any and all laboratory analysis reports concerning the products of Custom Blended Oils, Inc.

If all or any part of my request is denied, please list the specific exemption(s) which you believe justifies your refusal to release the information, and inform me of the appeal procedures available to me under the law.

If you determine that portions of the requested materials are exempt from release, I will expect, as the FOIA requires, that you provide me with the remaining non-exempt portions.

CHICAGO LINE 312 / 258-6887
PEOTONE LINE 312 / 258-6881
P. O. BOX #41
PEOTONE, IL 60468

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OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

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FREEDOM OF
INFORMATION 7-30

I am prepared to pay reasonable search fees and copying for locating and reproducing the requested documents, but request that you waive any such fees under the provision of the FOIA that permits you to waive or reduce copying and search fees when release of the requested information would be "in the public interest". If you determine otherwise, please notify me of any costs exceeding \$50.00 before filling my request.

I will expect a reply within ten working days.

Very truly yours,

CUSTOM BLENDED OILS, INC.

By Kimberly L. Haduch
Kimberly L. Haduch
Assistant Secretary

- Called 7/20/90
- Fax 7/20/90
- Neds to be sent all info
again will do it 8/6/90
- Call Earlene 7/23/90

19 JAN 1989

Mr. John L. Parker
John L. Parker and Associates
39 South LaSalle Street
Chicago, Illinois 60603

RE: Freedom of Information Act Request
RIN 0002-89

Dear Mr. Parker:

This is in response to your Freedom of Information Act request dated December 30, 1988, regarding the U.S. Environmental Protection Agency (U.S. EPA) file information relative to the Resource Conservation and Recovery Act (RCRA) Checklists for Burners of Used Oil Fuel and Hazardous Waste Fuel completed by U.S. EPA inspectors at Payne & Dolan Plant #12 and Payne & Dolan Portable Plants on July 26, 1988.

I am enclosing copies of the records which are responsive to your request. The enclosure is designed to respond point-by-point to your request. Please note that no information exists in U.S. EPA files with regards to your request for the following items: f.), g.), j.), and l.). Our response to items e.), h.) and k.) is that the RCRA Checklist for Burners of Used Oil Fuel and Hazardous Waste Fuel stands as the U.S. EPA's record of information obtained during the inspection. Both Payne and Dolan inspection checklists were sent to you on December 22, 1988, in response to an earlier FOIA request. In addition, since 40 CFR 260.10, 266.40 and 266.41 are pertinent to your request for information as stated in items b.) and c.), we are enclosing photocopies of these regulations.

The cost of providing this information is \$50.00. As Ms. Murphy mentioned in her telephone conversation of January 17, 1989, your request does not qualify for a fee waiver because your claim was not substantiated, i.e. how the public would benefit. You agreed during this call that the \$50.00 fee for search time was acceptable. An invoice covering the charges for search time is enclosed. Please forward your check, made payable to the U.S. Environmental Protection Agency, within 30 days of the date of this response. Your check should refer to the RIN number above and should be accompanied by the top portion of the enclosed invoice. Your prompt payment of the amount indicated is appreciated.

Department of Information Requested

- a. Please feel free to contact Ms. Murphy, at (312) 886-6141, if you have any questions or are in need of further assistance.

September 1, 1988, U.S. EPA NOV issued to WIO 006420981.

Sincerely yours,

August 20, 1987 U.S. EPA following correspondence to Payne and Dolan.

July 16, 1987, U.S. EPA correction to July 13, 1987 letter to Payne and
Judy Kertcher, Chief

RCRA Program Management Branch

July 13, 1987, U.S. EPA NOV to Payne and Dolan plants.

Enclosure

July 26, 1988, U.S. EPA Inspection of Used Oil Fuel Marketers/Processors
bcc: on R. Hartian, 5PA terminals (WIO 982068801).

WMD, ORCRA, PHB, SPS/M2, Murphy/DISK#IL:01-4/militar8/607580 Dolan.

November 8, 1988 Payne and Dolan response to U.S. EPA NOV.

Oil Analysis for Payne and Dolan Plant #12 provided by Ervin (Butch)
Benson on July 26, 1988.

- b.) The analytical data supplied with the NOV 26, 1988, checklist and the
[illegible].

Photocopies of the U.S. EPA Notification of Hazardous Waste Activity for
Payne and Dolan Plant #12 and Payne and Dolan Portable Plants.

Photocopy of 40 CFR 266.10.

- c.) See U.S. EPA Notification of Hazardous Waste Activity supplied under b.).

Photocopy of 40 CFR 266.10 and 266.11.

- d.) See U.S. EPA Notifications of Hazardous Waste Activity supplied under b.).

- e.) The checklist is U.S. EPA's record of information, obtained during the
inspection.

- f.) No photocopies were made of invoices sent to fuel suppliers
during the inspection.

- g.) No photocopies were made of invoices during the inspection.

- h.) The checklist is U.S. EPA's record of information, obtained during the
inspection.

- i.) Ms. Brauer typed the checklist from using U.S. EPA's new word processing
system, "Word Perfect". The revision is due to typographical error, and
the noted date of revision was for Ms. Brauer's reference. An earlier
version of the checklist used "Lexicon" word processing equipment. A
photocopy of the Lexicon version is attached.

- j.) No photocopies were made of invoices during the inspection of Payne and
Dolan plant #12.

Itemized List of Information Requested

- a.) Photocopies of the following correspondence are enclosed:

September 13, 1988, U.S. EPA NOV issued to WID 006428981.

August 20, 1987 U.S. EPA follow-up correspondence to Payne and Dolan.

July 16, 1987, U.S. EPA correction to July 13, 1987 letter to Payne and Dolan.

July 13, 1987, U.S. EPA NOV to Payne and Dolan plants.

July 26, 1988, U.S. EPA Inspection of Used Oil Fuel Marketers/Processors conducted at Key Terminals (WID 982068801).

September 8, 1988, U.S. EPA NOV issued to Payne and Dolan.

November 8, 1988 Payne and Dolan response to U.S. EPA NOV.

Oil Analysis for Payne and Dolan Plant #12 provided by Ervin (Butch) Benish on July 26, 1988.

- b.) See analytical data supplied with the July 26, 1988, checklist provided under a.).

Photocopies of the U.S. EPA Notification of Hazardous Waste Activity for Payne and Dolan Plant #12 and Payne and Dolan Portable Plants.

Photocopy of 40 CFR 266.40.

- c.) See U.S. EPA Notification of Hazardous Waste Activity supplied under b.).

Photocopy of 40 CFR 260.10 and 266.41.

- d.) See U.S. EPA Notifications of Hazardous Waste Activity supplied under b.).

- e.) The checklist is U.S. EPA's record of information, obtained during the inspection.

- f.) No photocopies were made of "record of notice sent to fuel suppliers" during the inspection.

- g.) No photocopies were made of invoices during the inspection.

- h.) The checklist is U.S. EPA's record of information, obtained during the inspection.

- i.) Ms. Brauer typed the checklist form using U.S. EPA's new word processing system, "Word Perfect". The revision related to typographical errors, and the noted date of revision was for Ms. Brauer's reference. An earlier version of the checklist used "Lexitron" word processing equipment. A photocopy of the Lexitron version is attached.

- j.) No photocopies were made of invoices during the inspection of Payne and Dolan Plant #12.

- k.) The checklist is U.S. EPA's record of information, obtained during the inspection.
- l.) No required notices were available for review at Payne and Dolan Plant #12.
No photocopies were made of the available notices during the Payne and Dolan Portable Plants inspection.
- m.) See copies of analyses and U.S. EPA Notification of Hazardous Waste Activity supplied under a.) and b.) respectively.
- n.) Photocopies of the following correspondence are enclosed:
 - August 30, 1988, NOV issued to Custom Blended Oils, Inc.
 - September 21, 1988, company response to August 30, 1988, NOV.
 - October 12, 1988, NOV issued to Custom Blended Oils, Inc.
 - December 29, 1988, Routing and Transmittal slip.
 - January 12, 1989, NOV issued to Custom Blended Oils with enclosure.

JOHN L. PARKER & ASSOCIATES, LTD.

ATTORNEYS AND COUNSELORS AT LAW
39 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

(312) 263-6560

December 30, 1988

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DEC 30 1988

OFFICE OF
PUBLIC AFFAIRS

Mr. Robert M. Hartian
U.S. EPA
Freedom of Information Act Officer
230 So. Dearborn
5PA-JCK-14
Chicago, IL 60604

HAND DELIVERED

Re: Freedom of Information
Act Request re
Custom Blended Oils
Peotone, Illinois

Dear Mr. Hartian:

This is a further request under the Freedom of Information Act as amended (Title 5, U.S. Code, Section 552).

In a prior request letter, dated December 7, 1988, we sought copies of all documents in your files pertaining to the Notice of Violation dated August 30, 1988 from Sally K. Swanson of USEPA to Custom Blended Oils. In response to that prior request letter, we received a letter dated December 22, 1988 from Judy Kertcher, Chief of your RCRA Program Management Branch. Attached to her letter were copies of two documents, both "Checklists" apparently prepared by U.S. EPA inspectors Shirlee Brauer and Sue Rodenbeck.

Our present request is for copies of all documents in your files pertaining to the information set forth in those two "Checklists" (copies attached hereto). This request includes, but is not limited to,

7-26-88 P&D
Badinger Rd.
7-26-88 P&D #12

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OFFICE OF RCRA
Waste Management
U.S. EPA REGION V

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OFFICE OF
PUBLIC AFFAIRS

1-18

- 7-26-88 Key Terminal Inspection V-list
- 7-13-87 Nov
- 7-16-87 Nov
- ? 8-7-87 P&D response 981 959 232 Waukesha
- 8-20-87 acknowledgment
- 9-13-88 Nov
- ? P&D response
- a.) any and all documents relating to information communicated to USEPA inspectors Brauer and/or Rodenbeck by Payne & Dolan Plant representatives Ervin (Butch) Benish (P&DPP) and Bud Weston (P&D12), whose names appear on the attached "Checklists", *Copies of analyses*
- b.) any and all documents relating to whether the facility burned "off-specification" used oil (see item 1. on each attached "Checklist"), *Same copies of analyses as above & prior enforcement at P&D*
- c.) any and all documents concerning classification of the facility's burning unit(s) as "industrial boiler(s) or industrial furnace(s)" (see item 3. on each attached "Checklist"), *notifications for Badinger Rd + P&D #12 PP*
- d.) any and all documents relating to the notification by Payne & Dolan that it had an "Off-Spec Burner" (see item 4. on each attached "Checklist"), *as in c.)*
- e.) *which facility?* any and all documents concerning whether the facility existed before May 29, 1986 (see item 5. on the P&D12 attached "Checklist"), *provided notification in c.)*
- f.) any and all documents constituting or relating to the "records" of notices sent to fuel suppliers (see item 6. on the P&DPP attached "Checklist"), *no photocopies made at the time of the inspection*
- g.) any and all documents relating to whether the facility has "the required invoices" (see item 10. on the P&DPP attached "Checklist"), *no photocopies made at the time of the inspection*
- h.) any and all documents relating to whether used oil was stored prior to burning (see item 12. on each attached "Checklist"), *notifications as in c.)*
- i.) any and all documents relating to the revision made on 4-6-88 (see footnote on page 2 of the P&D12 attached "Checklist"), including the original document prior to its revision, *Shirley revised the checklist 4-6-88 in provide a copy of the lexicon checklist*
- Word Perfect*

- j.) any and all invoices from Custom Blended Oils, Inc. referred to in "Comments" for Q. #10 (see page 2 of the P&D12 attached "Checklist"), *no photocopies made during the inspection of P&D*
- k.) any and all documents relating to the statement that 3 to 4 loads of used oil fuel are delivered to the facility over the period of 6-1/2 months (see page 2 of the P&D12 attached "Checklist"), *the checklist is the documentation of information provided verbally during the inspection*
- l.) any and all documents relating to the required notice or notices referred to in "Comments" for Q. #6 on each attached "Checklist"), *no required notices were available for review at P&D #12. No*
- m.) any and all documents relating to any determination that was made that the facility burned off-specification used oil, *photocopies were made of the available notices at P&D PP inspection copies of analyzed*
- n.) any and all correspondence between U.S. EPA and any representative of Custom Blended Oils, Inc. *rubber-banded together in C&E file*

If all or any part of our request is denied, please list the specific exemption(s) which you believe justifies your refusal to release the information, and inform us of the appeal procedures available to us under the law. *NOV. from 11-18-88 inspection could go out before this is due.*

If you determine that portions of the requested materials are exempt from release, we will expect, as the FOIA requires, that you provide us with the remaining non-exempt portions.

We are prepared to pay reasonable research fees and copying costs for locating and reproducing the requested documents, but request that you waive any such fees under the provision of the FOIA that permits you to waive or reduce copying and search fees when release of the requested information would be "in the public interest". If you determine otherwise, please notify us of any costs exceeding \$50.00 before filing our request.

Media Contact: Suzanne Kircos
(312) 886-7935

Enforcement Contact: Allen Wojtas
(312) 886-6194

FOR IMMEDIATE RELEASE

U.S. EPA FILES ADMINISTRATIVE COMPLAINT AGAINST CUSTOM BLENDED OILS, INC. FOR
HAZARDOUS WASTE VIOLATIONS

The United States Environmental Protection Agency (U.S. EPA), Region V today announced the filing of a civil administrative action against Custom Blended Oils, Inc. of Peotone, Illinois.

The Complaint against Custom Blended Oils, Inc., proposes a penalty of \$85,750 and charges that the facility located at South Rathje Road, Peotone, Illinois has violated Federal regulations regarding the management of used oil fuel contained in the Resource Conservation and Recovery Act (RCRA).

Custom Blended Oils, Inc. has failed to meet particular requirements of RCRA relating to the marketing of used oil fuel. Specifically, Custom Blended Oils, Inc. marketed off-specification used oil fuel and hazardous waste fuel between July 1986 and December 1988, representing it was on-specification fuel.

Therefore, Custom Blended Oils, Inc. did not comply with the requirements for marketing off-specification used oil fuel and hazardous waste fuel during that time. Further, Custom Blended Oils, Inc. transported hazardous waste without proper notification of U.S. EPA.

Custom Blended Oils, Inc. has the right to request that U.S. EPA hold a settlement conference and a hearing to discuss the charges.